

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 3658 OF 2015**

Yogin Pravinchand Jhaveri

Petitioner.

Versus.

- | | |
|--|----------------|
| 1. The State of Maharashtra
through the Commissioner
of Police; | .. Respondents |
| 2. The Senior Inspector of
Police, DB Marg Police
Station, Mumbai (FIR
115/15) | |
| 3. The Senior Inspector of
Police, Gamdevi Police
Station, Mumbai (FIR
No.162/15) | |
| 4. The Senior Inspector of
Police, LT Marg Police
Station, Mumbai (FIR
No.284/15) | |
| 5. The Senior Inspector of
Police, BKC Police Station, | |
| 6. Bhavesh Navichandra
Shah | |

Mr. Subhash Jha with Ms Rushita Jain i/b Law Global, Advocate for
Petitioner.

Mrs. M.M.Deshmukh , APP for Respondents-State.

Mr. R.R.Tripathi, Advocate for Respondent no.6.

CORAM : RANJIT MORE & R.G.KETKAR,JJ.

DATE : 30th OCTOBER, 2015.

PC:

1. Heard learned counsel appearing for the Petitioner and
learned A.P.P appearing for the Respondent – State.

2. The Petition is filed seeking directions to the respondents to

club together FIR bearing CR Nos.115/15, 162/15 and 284/15 respectively registered with D.B.Marg Police Station, Gamdevi Police Station and L.T.Marg Police Station lodged by respondent no.6 and all these FIRs be investigated by one police station.

3. Admittedly, all these three FIRs have been registered at the instance of Respondent No.6. FIR No.162/15 is registered on 27.7.2015 with Gamdevi Police Station against Rajiv Mehta and Suryakant Mehta for offence punishable under sections 409, 420 and 506 of IPC. FIR No.115/15 came to be registered on 27.7.2015 with D.B. Marg Police Station, wherein Rajiv Mehta is arraigned as accused. The allegations in this FIR pertain to the commission of offence punishable under sections 409 and 420 read with 34 of IPC. One more being FIR No.284/15 is registered on 5.8.2015 and this time with L.T Marg Police Station, wherein Rajiv Mehta and the petitioner are arraigned as accused and the allegations are for offence punishable under sections 409 and 420 of IPC.

4. So far as FIR bearing CR No.115/15 registered with D. B. Marg Police Station is concerned, the learned APP states that after completion of investigation, charge-sheet is already filed, however, police are further investigating into the said crime under section 173(8) of Cr.P.C. The other two C.Rs are pending

for investigation. Admittedly, the petitioner has obtained anticipatory bail in respect of all three C.Rs. All the three CRs pertain to the transactions between the period of 3 days. FIR No.162/15 is in respect of transaction dated 21/8/2014, FIR No. 115/15 pertains to the transaction dated 28.8.2014 and FIR No.284/15 pertains to transaction dated 5.9.2014.

5. Allegation of respondent no.6 -original complainant is that he gave diamond studded jewellery to Rajiv Mehta to sell in the market. Rajiv Mehta was supposed to deposit the sale price of the same with the complainant within 16 to 19 days. The accused Rajiv Mehta had sold the said jewellery but did not deposit money with the complainant. Cheques were issued by Rajiv Mehta in favour of the complainant. However, the same were dishonoured. The above-said three FIRs are filed with different police stations showing that the transactions occurred at different places within the jurisdiction of the aforesaid respective police stations. The present petitioner is alleged to have dishonestly received the said jewellery from Rajiv Mehta.

6. The petitioner is made accused in CR No.115/15 registered with D.B. Marg Police Station and also in C.R. No.284/15 registered with L.T.Marg Police Station. So far as C.R.No.162/15 registered with Gamdevi Police Station is

concerned, the petitioner's role is not disclosed.

7. The above facts reveal that in respect of transaction between complainant-respondent no.6 and Rajiv Mehta regarding sale of gold diamond studded jewellery, all the aforesaid 3 CRs are registered in respect of the transactions occurred within the period 13 days. All the CRs are in respect of similar transactions.

8. Learned APP, on instructions, makes a statement that D.B.Marg Police Station is ready and willing to investigate all the three CRs, and all the FIRs may be clubbed with the FIR registered at D.B.Marg Police Station and may be directed to be investigated together. As of today, no FIR is registered with BKC Police Station.

9. In the above circumstances, the Petition is disposed of in the following terms:

(i) Respondent no.1 is directed to club all the three FIR bearing CR. No.162/15 registered with Gamdevi Police Station and FIR bearing CR no. 284/15 registered with L.T.Marg Police Station and FIR bearing CR No. 115/15 registered with D.B.Marg Police Station together and Investigating Officer of FIR bearing CR No.115/15 registered with D.B.Marg Police Station is directed to

investigate all the three CRs.

(ii) Investigating Officers of FIR No.162/15 registered with Gamdevi Police Station and FIR No.284/15 registered with L.T.Marg Police Station are directed to hand over investigation papers to Investigating Officer of CR. No.115/15 registered with D.B. Marg Police Station.

(R.G.KETKAR, J.)

(RANJIT MORE,J.)